

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HERO FARMS, L.L.C.,

v.

HENDRIC C BARTHLEY, UNITED
STATES OF AMERICA

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Case No. 2:17-CV-00103-JRG-RSP

ORDER

Before the Court is Magistrate Judge Payne's Report and Recommendation filed on May 14, 2017. Dkt. No. 12. Pursuant to Federal Rule of Procedure 72(b)(2), the Report afforded the parties fourteen days to object to the findings, conclusions, and recommendation contained in the report. *See id.* at 7 n.2. No objections have been filed, and the time to do so has now passed. The Court will therefore adopt the Report and Recommendation without modification. *See* Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1)(C).

Accordingly, IT IS ORDERED as follows:

- (1) United States' Motion to Dismiss (Dkt. No. 4) is **DENIED AS MOOT**.
- (2) Hero's Motion to Remand (Dkt. No. 6) is **DENIED AS MOOT**.
- (3) United States Motion to Substitute (Dkt. No. 8) is **GRANTED**.
- (4) Hero's Motion to Dismiss (Dkt. No. 9) is **DENIED**.
- (5) United States' Second Motion to Dismiss (Dkt. No. 11) is **GRANTED**.

Hero's complaint is **DISMISSED WITH PREJUDICE**. A separate Final Judgment will follow. *See* Fed. R. Civ. P. 58.

So Ordered this

Jun 5, 2017



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE